

In the  
Indiana Supreme Court

FILED  
AUG 19 2013

IN THE MATTER OF )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR HAMILTON COUNTY )

Cause No. 29S00-1308-MS- 543

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN  
AND AMENDING LOCAL RULE FOR SPECIAL JUDGE SELECTION

Pursuant to Ind. Administrative Rule 1, the Judges of the Hamilton Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan, and pursuant to Ind. Criminal Rule 13, request the approval of an amended local rule for special judge.

And this Court being duly advised, now finds that the caseload allocation plan for Hamilton County should be re-approved and, upon examination of the proposed rule amendment requested by the Hamilton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR29-CR00-301.70, complies with the requirements of Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Hamilton Circuit and Superior Court Judges, that the Hamilton County caseload allocation plan is re-approved.

IT IS FURTHER ORDERED that Hamilton County Local Rule, LR29-CR00-301.70, set forth as an attachment to this Order, is approved effective, January 1, 2014, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Gail Bardach, Hamilton Superior Court, One Hamilton Square, Noblesville, 46060; to the Hon. J. Richard Campbell, Hamilton Superior Court 4, One Hamilton Square, #292, Noblesville, 46060-2614; to the Hon. Paul A. Felix, Hamilton Circuit Court, One Hamilton Square, #337, Noblesville, 46060-2652; to the Hon. William J. Hughes, Hamilton Superior Court 3, One Hamilton Square, #311, Noblesville, 46060-2614; to the Hon. Steven R. Nation, Hamilton Superior Court 1, One Hamilton Square, #345, Noblesville, 46060-2232; to the Hon. Daniel J. Pfleging, Hamilton Superior Court 2, One Hamilton Square, #384, Noblesville, 46060-2614; to the Hon. Wayne A. Sturtevant, Hamilton Superior Court 5, One Hamilton Square, #297, Noblesville, 46060-2232; to the Clerk of the Hamilton Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hamilton Circuit and Superior Courts is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order for examination by the Bar and the general public, and if available, to publish this Order on the county clerk's website.

DONE at Indianapolis, Indiana, on August 19, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", with a long horizontal flourish extending to the right.

Brent E. Dickson  
Chief Justice of Indiana

**LR29-AR00-104. PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

**104.10** The Circuit and Superior Courts of Hamilton County have previously adopted various rules concerning the filing of certain types of matters in the Hamilton County Circuit and Superior Courts. Unless changed by addition, amendment and/or deletion, those rules remain in effect. In conjunction with the adoption of this Local Rule and plan, the following Hamilton County Local Rules also affect the allocation of judicial resources: LR29-AR00-105. Protective Orders; LR29-AR00-110. Assignment of Infraction and Ordinance Violation Cases; LR29-TR76-210. Transfer of Small Claims, Infraction and Ordinance Violations Cases and Protective Orders in the Event of Disqualification; LR29-CR00-301. Criminal Random Filing; LR29-CR00-302. Clerk Procedures to Accomplish Criminal Random Filing; LR29-CR00-303. Filing Co-Defendants Under Hamilton County Criminal Random Filing Rule; LR29-CR00-304. Filing Felony Cases Arising From Juvenile Waiver Hearings; LR29-DN01-602. Rules for Trial De Novo Following Civil Judgments; LR29-DN02-603. Rules for Trial De Novo Following Judgments for Infractions or Ordinance Violations; LR29-DN02-604. Rules for Trial De Novo Following Misdemeanor Trial in City or Town Court; LR29-PR00-702. Filing of Pleadings; and, LR29-JV00-801. Assignment of Juvenile Case Numbers.

**104.20** All requests for a prosecutor subpoena shall be filed in Superior Court No. 6.

**104.30** Pursuant to IC 33-33-29-8, Superior Courts No. 4, 5, and 6 each have a standard small claims and misdemeanor division.

**104.40** The judges of the Courts of record of Hamilton County shall meet at least once annually for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required either by the Courts themselves or to comply with new orders of the Indiana Supreme Court or to comply with the District Plan.

**104.50** The judge of the Circuit Court may with the consent of the judge of a receiving Superior Court, transfer any action either filed and/or docketed in the Circuit Court to the Superior Court to be re-docketed and disposed of as if originally filed with the receiving Superior Court. The judge of a Superior Court may, with the consent of the judge of the receiving Circuit Court or other receiving Superior Court, transfer any action either filed and/or docketed in the Superior Court to the Circuit Court or the other Superior Court to be re-docketed and disposed of as if originally filed with the receiving Court.

**LR29-AR00-105. PROTECTIVE ORDERS UNDER IC 5-2-9-2.1****105.10 PROTECTIVE ORDER FILING:**

- a. All protective orders (PO) shall be filed in Superior Court No. 6.
- b. Once the PO has been acted upon, if there is a related dissolution action pending in any other Hamilton County Court, the PO will be transferred to said court and consolidated with said action for hearing purposes.
- c. For a change of judge pursuant to Trial Rule 76(B) or 79(C), see LR29-TR76-210.50.
- d. From time to time, the Courts may provide orders to assist the Clerk in implementing the Protective Orders Filing procedures.

**LR29-AR00-110. ASSIGNMENT OF INFRACTION (IF) AND ORDINANCE VIOLATION (OV)  
CASE NUMBERS**

**110.10** The Clerk shall as near equally as possible assign cause numbers for new filings of all IF and OV case types to Hamilton Superior Courts No. 4, 5, and 6 (i.e., 1/3 in each court).

**110.20** The Clerk shall accomplish the above by assigning cause numbers to the courts based upon the first letter of the defendant=s or respondent=s last name or other method as the judges of said courts shall agree.

**LR29-TR76-210. TRANSFER OF SMALL CLAIMS, INFRACTION AND ORDINANCE VIOLATION  
CASES IN THE EVENT OF DISQUALIFICATION**

**210.10** For the orderly administration of the small claims, infraction, and ordinance violation dockets of Superior Court No. 4, Superior Court No. 5, and Superior Court No. 6, this Rule shall govern in the event that a judge of a small claims, infraction, or ordinance violation case orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C).

**210.20** In the event that the judge of a small claims, infraction, or ordinance violation case in either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as applicable).

**210.30** PROTECTIVE ORDERS: In the event that the judge of Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4 or Superior Court No. 5).

**LR29-CR00-301. CRIMINAL RANDOM FILING**

**301.10** This Random Filing Rule does not apply to either civil cases or juvenile cases.

**301.20** All misdemeanors (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. All class D Felonies (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree.

Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

**301.30** Misdemeanor and class D felony battery offenses, strangulation offenses, and invasion of privacy offenses shall be filed in Superior Court No. 3.

**301.40** All Murder (MR Case type), Class A (FA Case Type), Class B (FB Case Type), and Class C (FC Case Type) felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

**301.50** The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

**301.60** From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

**301.70** Pursuant to Indiana Criminal Rule 2.2(c), if a case is dismissed after filing, upon refiling it shall be assigned to the same court where it was originally assigned. Pursuant to Indiana Criminal Rule 2.2(d), where a change of judge is granted under Indiana Criminal Rule 12(B) or an order of disqualification or recusal is entered, the judge will be selected randomly from among the full-time judicial officers of Hamilton County according to existing local rules regarding case allocation and transfer. If for any reason a judge cannot be selected from among the full-time judicial officers of Hamilton County, then the judge shall be randomly selected from the full-time judicial officers of the contiguous counties and of Administrative District 12. Except for those serving pursuant to Indiana Criminal Rule 12(G)(4), judges previously assigned to the case are ineligible for reassignment. A person appointed to serve as special judge under this subsection must accept jurisdiction in the case unless they are disqualified pursuant to *The Code of Judicial Conduct*, ineligible for service under local rule, or excused from service by the Indiana Supreme Court. The reassignment procedures set forth in this rule shall also apply where a change of judge is granted pursuant to Indiana Post-Conviction Remedy Rule 1.4(b).

**301.80** The Clerk shall file subsequent cases against a defendant with a pending case (where a "pending case" is defined under this rule as a criminal case in which there is either no disposition of the charge(s) via a determination of guilt or dismissal or the defendant has not yet been discharged from the sentence imposed, including probation) as follows:

- a. When a defendant has a pending case in Circuit Court, Superior Court No. 1, Superior Court No. 2, or Superior Court No. 3, the Clerk shall file any subsequent felony or misdemeanor offenses in the same court as that of the pending case. This paragraph does not apply to D Felony or misdemeanor OWI offenses.
- b. When a defendant has a pending case in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent misdemeanor or class D Felony offenses (except those assigned to Superior Court No. 3 pursuant to Section 301.30) in the same court as that of the pending case.
- c. When a defendant's only pending cases are in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent offenses listed under Sections 301.30 or 301.40 as set forth in Sections 301.30 and 301.40.
- d. It shall be the duty of the Prosecuting Attorney or Deputy Prosecuting Attorney to file written notice with the Clerk that a defendant has a pending case that requires the Clerk to follow the filing requirements of this rule.
- e. If a conflict arises between Sections 301.30 and 301.80, Sections 301.30 controls.
- f. A Court, at the request of both parties, may transfer a case to another Court where the defendant has a pending case, as defined by this rule, provided that the receiving Court agrees to accept the transfer.

**LR29-CR00-302. CLERK PROCEDURES TO ACCOMPLISH CRIMINAL RANDOM FILING**

**302.10** The Judges of the Hamilton Circuit Court and Hamilton Superior Courts approve the following procedures to be used in the Hamilton County Clerk's office to accomplish the Hamilton County Criminal Random Filing Order.

- a. Begin with a set number of cases which is evenly divisible by the applicable number of Hamilton County Courts.
- b. Divide the set number of cases by the percentages for each type of case per Court resulting in the number of each type case for each Court which shall equal the percentages.
- c. These cases are then pulled and/or selected for individual case number assignment one by one on an impartial random selection basis.

**LR29-CR00-303. FILING CO-DEFENDANTS UNDER HAMILTON COUNTY CRIMINAL RANDOM FILING RULE.**

**303.10** It is hereby resolved that the following rule applicable to the filing of misdemeanor and felony cases shall be employed in the implementation of the Hamilton County Criminal Random Filing Rule.

- a. When the Prosecutor of Hamilton County, individually or through deputy prosecutors, elects to file a felony or misdemeanor case in which two or more individuals or entities are named as Defendants, at the time of the filing of said charges, said Prosecutor or Deputy Prosecutor shall file notice with the Clerk of Hamilton County that said case is to be treated under this rule.
- b. Upon receiving notice for treatment of a case under this rule, the Clerk shall take the following action:
  - (1) First, the Clerk shall randomly select a Court designated to receive the type case being filed under the Random filing rule approved by the Judges of the Hamilton Circuit and Superior Courts,
  - (2) Second, the first named defendant in the multiple defendant information shall be assigned the next available cause number in the randomly selected Circuit or Superior Court.
  - (3) Third, the remaining Defendants shall each be assigned the next available cause number in the randomly selected Circuit or Superior Court in the order of their appearance on the charging information.
  - (4) Fourth, the Clerk shall treat each cause number assigned under this rule as a separate and distinct case, and shall remove from his/her random selection pool the number of cases assigned hereunder in order to maintain the percentage allocations set forth in the Random Filing Rule.
- c. Each Defendant=s case filed under this rule shall be treated as a separate and distinct case, and Co-defendant=s cases will not be consolidated for trial unless said consolidation is approved by separate order of the assigned Judge.
- d. The Clerk shall follow this rule only when the State files the co-defendant cases simultaneously.
- e. This rule shall remain in full force and effect unless otherwise modified, amended, or repealed by separate written instructions adopted by the Judges of the Hamilton Circuit and Superior Courts.

**LR29-CR00-304. FILING FELONY CASES ARISING FROM JUVENILE WAIVER HEARINGS UNDER HAMILTON COUNTY RANDOM FILING RULE**

**304.10** The Clerk is ordered to treat new criminal filings which arise from the waiver of a juvenile matter to criminal court as a new criminal matter under the random filing rule and to assign said cause to the Court identified under said rule regardless of which court may have previously exercised juvenile jurisdiction prior to waiver, unless otherwise directed by the waiving court.

**LR29-DN01-602. RULES FOR TRIAL DE NOVO FOLLOWING CIVIL JUDGMENTS**

**602.10** Supreme Court Trial De Novo Rule 1 for following civil judgments in city and town courts is incorporated by reference.

**602.20 BOND OR OTHER UNDERTAKING:**

a. The party filing the request for trial de novo shall file with the Clerk of the Court a surety bond or cash deposit in accordance with Supreme Court Rule 1(C)(1). The bond or cash deposit required by Supreme Court Rule 1(C)(1) shall be in the amount of the judgment entered in the city or town court, plus an amount equaling eight percent (8%) of the total judgment as an allowance for interest. In any case where attorney fees have been awarded as part of the total judgment, the amount of bond shall be increased by 25 percent (25%) of the total judgment as an allowance for additional attorney fees. This bond, however, shall not exceed the jurisdictional limit of the city or town court from which the appeal is taken.

b. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigence and personal undertaking in accordance with Supreme Court Rule 1(C)(2) on a form prescribed by the Court (**Form DN01/02-602/03**).

**602.30 FILING AND COURT ASSIGNMENT:**

a. The Clerk shall not accept for filing or file a request for trial de novo unless it meets the requirement of Supreme Court Rule 1(B)(4). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigence and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigence and personal undertaking is accepted for filing, it may be ordered stricken from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.

b. The Clerk shall docket the request for trial de novo and the copies of the complaint and any responsive pleadings as a small claims action on the small claims docket of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 unless the request for trial de novo demands that the trial be by jury, in which case the assignment may be to a Circuit or any Superior Court in the county.

**LR29-DN02-603. RULES FOR TRIAL DE NOVO FOLLOWING JUDGMENTS FOR INFRACTIONS OR ORDINANCE VIOLATIONS**

**603.10** Supreme Court Trial De Novo Rule 2 for infraction or ordinance violation judgments in city or town courts is incorporated by reference.

**603.20 BOND OR OTHER UNDERTAKING:**

- a. The party filing request for trial de novo shall file with the Clerk of the Court a surety or cash deposit in accordance with Supreme Court Rule 2(D)(1).
- b. The bond required by Supreme Court Rule 2(D)(1) shall secure the State or municipality's claims, interest, and court costs, undertaking both the litigation of the trial de novo to a final judgment and payment of any judgment entered against a party filing the request by the trial de novo court.
- c. The bond shall be in an amount as follows:

"C" infraction and traffic ordinance violations	\$ 500.00;
"B" infraction	\$1,000.00;
"A" infraction and non-traffic ordinance violations	\$1,500.00;

plus the statutory costs in the trial de novo court.
- d. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigence and personal undertaking in accordance with Supreme Court Rule 2(D)(2) on the form prescribed by the Court (**Form DN01/02-602/03**).

**603.30 FILING AND COURT ASSIGNMENT:**

- a. The Clerk shall not accept for filing nor file any request for trial de novo unless it meets the requirement of Supreme Court Rule 2(B). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigence and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigence and personal undertaking is accepted for filing, it may be ordered struck from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.
- b. The Clerk shall docket and assign the request for trial de novo to the traffic division of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as an infraction or ordinance violation proceeding.

**603.40 NOTICE TO PROSECUTOR OR MUNICIPAL COUNSEL OF TRIAL DE NOVO:**

- a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney or the municipal counsel.
- b. Upon receiving the notice of request, the Prosecutor or the municipal counsel is ordered to file, within fifteen (15) days, a duplicate infraction or ordinance complaint and summons alleging the infraction or ordinance violation as originally filed with the city or town court, together with any amended complaint alleging additional or amended counts also filed with the city or town court.



c. In the discretion of the prosecuting attorney or municipal counsel, and in lieu of filing such duplicate infraction or ordinance complaint and summons, the prosecuting attorney or the municipal counsel shall file with the Court a notice that no proceeding will be filed, together with a proposed order of dismissal including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court. The order of dismissal shall also include a release of the surety bond, cash deposit, or personal undertaking.

**LR29-DN03-604. RULES FOR TRIAL DE NOVO FOLLOWING MISDEMEANOR TRIAL IN CITY OR TOWN COURT**

**604.10** Supreme Court Trial De Novo Rule 3 for misdemeanor cases is incorporated by reference.

**604.20 DEMAND:** The written request for trial de novo must comply with Supreme Court Rule 3(B), but, in addition, must also contain the offense(s) of which the defendant was convicted in the city or town court to enable the Clerk to assign the request for trial de novo to the appropriate court pursuant to the Hamilton County Criminal Random Filing Rule.

**604.30 FILING AND COURT ASSIGNMENT:**

a. The Clerk of the Courts shall docket and assign the request for trial de novo as a misdemeanor in the appropriate Superior Court in accordance with the Hamilton County Criminal Random Filing Rule (LR29-CR00-301) if the request is sufficient to make such an assignment. If the request contains insufficient information to make such assignment, it may be accepted for filing conditioned upon the defendant providing, within ten (10) days, the information necessary to complete the assignment. If the defendant fails to provide this information within the time specified, then the request for trial de novo shall be stricken as un-assignable.

b. The Court to which the request is assigned has full jurisdiction of the case and of the person of the defendant from the time the request for trial de novo is filed and assigned by the Clerk.

**604.40 BAIL OR INCARCERATION:**

a. Stay of City or Town Court Judgment and Appearance Bond. At the time the request for trial de novo is filed, the defendant may also file with the Clerk a surety bond or cash deposit conditioned on appearance for trial and sentencing as required by applicable statutes on bail in criminal prosecution and in accordance **with the trial de novo bail schedule in Appendix C**. Filing of the bond or undertaking stays the judgment of the city or town court, and during the period of the stay the defendant shall not be subject to incarceration or probation orders of the city or town court. Any defendant who is incarcerated pursuant to the judgment of the city or town court shall be released upon the posting of this bond or cash deposit. If the defendant does not file the surety bond or cash deposit, the judgment of the city or town court shall not be stayed, and the defendant will remain incarcerated or subject to probation orders of the city or town court until the stay imposed under subsection (F)(1) of Supreme Court Rule 3 takes effect. Even if the defendant is not seeking a stay, the posting of such a bond will serve as an appearance bond for the defendant. If such surety bond or cash deposit is posted, then a summons shall be issued to the defendant in accordance with IC 35-33-4-1, in lieu of any warrant that the State may request pursuant to IC 35-33-2-1.

b. The city or town court may transfer any *cash* bond previously posted in the city or town court to the Clerk of the Court to be applied against the trial de novo bond. In addition, the trial de novo court may accept any *surety* bond previously posted in the city or town court to be applied against the trial de novo bond, but only if the trial de novo court receives written consent from the surety bondsman.

**604.50 NOTICE TO THE PROSECUTING ATTORNEY:**

- a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney.
- b. Upon receiving the notice of the request, the Prosecutor is ordered to file within fifteen (15) days a duplicate charging instrument charging the offense or offenses as originally filed with the city or town court together with any additional charging instrument charging additional or amended counts also filed with the city or town court.
- c. In the prosecuting attorney's discretion, and in lieu of filing such charging instrument, the State shall file with the Court a notice that no proceeding will be filed, together with a proposed Order of Dismissal, including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court.
- d. Upon the filing of the charging instrument, the Court to which the request for trial de novo has been assigned, shall proceed in accordance with IC 35-33-2-1, to issue a warrant for the arrest of the defendant, or in accordance with IC 35-33-4-1, to issue a summons for the defendant to appear. If the defendant has posted a surety bond or cash deposit in accordance with paragraphs 604.40(a) or (b) above, then the Court shall issue a summons in lieu of a warrant.

**604.60 NOTICE TO CITY OR TOWN COURT:**

- a. Upon the filing of a request for trial de novo, the Clerk shall promptly send notice of the filing of the request to the city or town court from which the trial de novo was taken.
- b. The Clerk shall hold any fine or payment received from the city or town court pending the outcome of the trial de novo and shall apply the payment to any judgment for fine or costs imposed by the de novo court following the trial de novo, or to any order for probation users= fees or recoupment of trial expenses otherwise authorized by law and ordered by the de novo court. If any amount of the original fine payment remains after application to judgments or orders imposed by the trial de novo court, the Clerk shall refund the balance to the defendant.

**604.70 PROCEDURE WHEN PLEA OF GUILTY WAS ENTERED IN CITY OR TOWN COURT:** If the defendant entered a plea of guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(G).

**604.80 PROCEDURE WHEN PLEA OF NOT GUILTY IS ENTERED IN CITY OR TOWN COURT:** If the defendant entered a plea of not guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(H).

**LR29-PR00-702. FILING OF PLEADINGS**

**702.10** When pleadings are filed by mail or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney.

**702.20** If petitions or motions are filed by electronic facsimile transmission, then such filing must conform with the requirements set forth in the trial rules and LR29-AR-103.

**702.30** All parties are required to prepare orders for all proceedings except when expressly directed otherwise by the Court.

**702.40** Every inventory and accounting filed in an estate or guardianship will be signed and verified by the fiduciary and signed by the attorney for the fiduciary.

**702.50** All pleadings filed shall contain the parties= name, address and telephone number and/or the parties= attorney's name, address, telephone number and registration number.

**702.60** The initial petition to open an estate or guardianship shall contain the name, address, social security number (in compliance with Indiana Administrative Rule 9) and telephone number of the personal representative or guardian, if a person.

**702.70** The Instructions to the Personal Representative or Guardian, executed by the fiduciary, must be filed with the Court at the time letters are ordered issued in the proceeding **(Forms PR00-1, PR00-2, PR00-3, PR00-4)**

**702.80** The affidavit of compliance with the notice provisions directed to creditors in an estate proceeding shall be timely filed with the Clerk of the Court.

**702.90** ASSIGNMENT OF MH PROBATE CASE NUMBERS:

a. The Clerk shall assign cause numbers for new filings of all MH case types to Hamilton Superior Court No. 1 and Hamilton Superior Court No. 3.

b. The Clerk shall equally assign such new filings to Superior Court No. 1 and Superior Court No. 3 or other method as the judges of said courts shall agree.

**702.100** ASSIGNMENT OF ES/EU, GU, AND TR PROBATE CASE NUMBERS: As requested by the parties, or directed by the judges, the Clerk shall assign cause numbers for new filings of ES/EU, GU, and TR case types to either Hamilton Superior Court No. 1 and/or Hamilton Superior Court No. 3.

#### **LR29-JV00-801. ASSIGNMENT OF JUVENILE CASE NUMBERS**

**801.10** The Hamilton County Criminal Random Filing Rule (LR29-CR00-303) does not apply to juvenile cases. It is therefore necessary to establish assignment of Juvenile Delinquency and Juvenile Status Offense causes.

**801.20** The Clerk of the Court shall assign cause numbers for new filings of all JS and JD case types to Hamilton Circuit Court and Hamilton Superior Court No. 1.

**801.30** The Clerk shall file all cases involving juveniles with last names beginning with the letters A - L in Hamilton County Superior Court No. 1 and cases involving juveniles with last names beginning M-Z shall be filed in Hamilton Circuit Court.

**801.40** The Clerk of the Court shall file all cases involving juvenile cases now filed in such court. Any cases involving new charges concerning a juvenile whose case is still pending disposition or is on probation supervision in Hamilton Superior Court No. 3 shall be filed by the Clerk in Hamilton Superior Court No. 3.

**801.50** The designation of the Clerk concerning the proper court in which to file a cause shall take precedence over the designation of any other entity or individual, except upon specific order entered by the Judge of Hamilton Circuit Court, Hamilton Superior Court No. 1, or Hamilton Superior Court No. 3.

**801.60** When a motion is filed requesting a joinder of juvenile cases because of such cases being related in subject matter or by individuals, the Court may, after finding probable cause, order such cases joined and the cases may be filed in one court regardless of the first initial of their name for the sake of judicial economy.

**801.70** When a Judge disqualifies or recuses from a juvenile case, the Clerk shall reassign to another court pursuant to this rule. When the disqualification or recusal is by the Judge of the Hamilton Circuit Court, the Clerk shall reassign such case to the Hamilton Superior Court No. 1. Upon disqualification or recusal of Hamilton Superior Court No. 1, the Clerk shall reassign such case to the Hamilton Circuit Court.

**801.80** In the event the above reassignment is not permitted and a subsequent reassignment is required, said case reassignment shall be achieved by obtaining a new court assignment from the remaining Hamilton County Courts using a random assignment procedure.